

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held May 14, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:40 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Lori Wissler and Dianne Moran, Planning and Zoning Officers; James Snyder, HRG, Inc., Township Engineer; Mark DiSanto, Triple Crown Corporation; Tom Skully, R. J. Fisher and Associates; and Aaron Navarro, J. Michael Brill Associates.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made motion to approve the minutes of the March 13, 2007 workshop meeting, the March 17, 2007 business meeting, and the May 1, 2007 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

None was presented.

Chairman & Board Members' Comments

None was presented.

Manager's Report

Mr. Wolfe noted that tomorrow is Primary Election Day in Pennsylvania and he strongly urged people to get out and vote.

Mr. Wolfe explained that the Dauphin County Solid Waste Management Community Recycling Day will be held on Saturday, May 19, 2007 at Harrisburg Area Community College from 9 a.m. to 1 p.m. He noted that electronic items, and large appliances will be accepted, but a fee will be charged for large appliances: stoves, washers and dryers, \$25; refrigerators, \$35; household freezers, \$45; and the Freon must be removed from the appliance. In addition, the fee for passenger tires is \$2 per tire, and \$4.50 for truck tires. He noted that interested persons are to enter the college along Industrial Road at gate W2.

Mr. Wolfe explained that United Water PA is continuing to flush fire hydrants in the Township through mid June. He noted that this is a normal part of the process to ensure good water operations. He noted that some customers may experience low water pressure or discolored water, and United Water PA recommends that the water should be clear before using it to wash or drink.

OLD BUSINESS

Mr. Wolfe requested to move to the New Business since Mr. Stine would be late in coming to the meeting as he had a previous appointment.

NEW BUSINESS

Resolution 07-23; amending the Investment Objectives for the Township's police and nonuniformed employee pension funds

Mr. Wolfe explained that the Township's police and nonuniformed pension plans are managed by an employee/staff Pension Committee, and years ago the Committee developed pension fund investment objectives. He noted that these objectives are reviewed on a regular basis, and recommendations are made for potential changes. He noted that the last review was prompted by two of the money managers for the Pension Plan and, as a result, the Pension Committee recommends two minor changes in the investment objectives. He noted that the

changes were reviewed by the Audit Committee at its May 8, 2007 meeting, and they recommended to the Supervisors that the amendments be adopted.

Mr. Wolfe explained that first change is found in Section Four, noting that the change would be, “that such funds, referring to international or foreign stock investments, shall not exceed 10% of the entire portfolio.” He noted that the current language allows for 10% of the equity assets of the portfolio. He noted that the second amendment also deals with Section Four, noting that Subsection Eight, which refers to repurchasing agreements, would be deleted, and Subsection Six lists the items not permitted in the investments derivatives such as options and futures. He explained that the proposed changes would be that investment derivatives for options and futures or repurchase agreements would only be permitted as an investment option with a mutual fund investment provided that the derivatives and repurchase agreements are not specifically designed for speculative purposes or to leverage the portfolio. He noted that they shall comprise no more than a target amount of 10% or no more than a maximum of 15% of the portfolio under management.

Mr. Wolfe noted that this Resolution is complete for Board action this evening.

Mr. Crissman made a motion to approve Resolution 2007-23 to amend the Investment Objectives for the Township’s police and nonuniformed employee pension funds as described and outlined by Mr. Wolfe. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 2007-25; indication support for urban and community forestry programs operated by the USDA

Mr. Hawk explained that the Chairman of the Shade Tree Commission has requested the Board Members to adopt a Resolution to request the Pennsylvania Legislature to continue to support the forestry programs. He noted that part of the program’s funds were decrease due to the large number of forest fires in the western part of the country. He noted that there is a concern

that the United States Department of Agriculture (USDA) would short fund projects in the eastern part of the country. Mr. Hawk noted that the Township recently received a grant in the amount of \$10,000 to plant trees in the Thomas B. George Jr. Park. He noted that this is an important program for the Township.

Mr. Crissman noted that Lower Paxton Township has been a Tree City USA Community for 15 straight years. He noted that the Township has been a strong supporter of this program and the environment. Mr. Hawk noted that the Shade Tree Commission works very hard to maintain the quality of trees for the Township.

Mr. Crissman made a motion to approve Resolution 2007-25 indicating the Township's support for urban and community forestry programs operated by the United States Department of Agriculture. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Agreement between the Township and the Dauphin County District Attorney regarding
Child Abduction Response Team

Mr. Wolfe noted that this agreement is very similar to other agreements that the Township has engaged in, such as the Accident Response Team, Dauphin County Drug Task Force, and the Crisis Response Team. He explained that the District Attorney has formed a Child Abduction Response Team and the Township has been asked to participate by assigning a police officer as a member of the team. In that capacity, the police officer would serve as a special County Detective, and perform duties of a County Detective. He noted that in all other respects, the officer would remain an employee of the Township.

Mr. Crissman noted that it is very important for the Township to participate in this program, and as such, he made a motion to approve the agreement between the Township and the Dauphin County District Attorney for the Child Abduction Response Team. Mr. Blain seconded the motion.

Mr. Hornung questioned which officer would be assigned to the Response Team. Mr. Wolfe answered that he did not, and did not think the officer has been selected yet. Mr. Hornung questioned if this would be part of a team to deal with Internet solicitations dealing with youth. Mr. Wolfe noted that this is a formalized agreement for a specific team, whereas, the Internet is more like a task force activity. He noted that the task force is operated on an informal basis. Mr. Hornung noted that he would like to see a response team for Internet sex solicitations and pornography.

Mr. Seeds questioned if a police officer has been trained in Identity Theft for the Internet transactions. Mr. Wolfe answered yes. Mr. Seeds noted that the Township benefits because Dauphin County pays for the training for the officers.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Action on bids for the construction of a pavilion and in-line hockey court at George Park

Mr. Hawk noted that the Board members were given copies of the six bids received, but no recommendation is included in the packet. Mr. Wolfe explained that Mr. Snyder, from HRG, Inc. will provide a recommendation for Board members.

Mr. Wolfe explained that this request is for an in-line hockey court and the construction of a pavilion to include restrooms at George Park. He noted that this bid was advertised last year, and only one bid was received at that time and it was in excess of \$400,000. He noted that the Board rejected the bid, and it was decided to rebid the work in the spring. He noted that some minor changes were made to the specifications to provide for work efficiency, and as such, the Township received six bids, with the low bid being submitted by Premier Construction Group in the amount of \$313,849.00.

Mr. Seeds questioned if last year's bid was for the same items. Mr. Wolfe noted that some items were deleted and some were added. Mr. Snyder noted that there were some minor

differences between the previous bid and this current bid. He explained that the major difference between the two bids is the deletion of the back stops for some baseball fields, the addition of a sanitary sewer pumping station associated with the pavilion, and some minor electrical modifications.

Mr. Snyder explained that he received six bids, and found them to be in conformance with the requirements. He noted that he addressed a letter to Mr. Wolfe this date, recommending that the Township award the bid to the Premier Construction Group in the amount of \$313, 849. Mr. Wolfe noted that this project was included in the General Improvement Fund budget for 2007.

Mr. Seeds questioned if the pump station would be a sewage pump station for the restrooms. He questioned since this was not included in the last bid proposal, if the facilities would be gravity feed. Mr. Snyder answered that it was part of the overall contract, and since it was not completed under that contract, it was included in this contract. Mr. Seeds questioned if it would be a self-contained unit for the restrooms. Mr. Snyder answered yes.

Mr. Crissman questioned Mr. Snyder if he was familiar with the low bidder's work. Mr. Snyder answered that he was. Mr. Crissman questioned if he had observed their performance in other areas. Mr. Snyder answered that he has not managed a contract where they were the general contractor, however, he stated that he was familiar with their work. He noted that the bid was responsive and believed that they are a quality contractor. Mr. Crissman questioned if Mr. Snyder was satisfied with their professional work. Mr. Snyder answered yes.

Mr. Seeds questioned how soon the contractor could start the work. Mr. Snyder answered that once the agreements are signed and the bonding is received, then a notice to proceed would be issued. He noted that the contract calls for the project to be completed within 120 days after they receive the notice to proceed.

Mr. Crissman made a motion to approve awarding the bid to the Premier Construction Group, Inc. in the amount of \$313,849 for the construction of the pavilion, and in-line Hockey Park at the Thomas B. George Jr. Park. Mr. Blain seconded the motion and requested Mr. Crissman to include the pump station in the work to be completed. Mr. Crissman noted that he was in agreement to this addition. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary subdivision plan for Stray Winds Farm

Ms. Moran explained that the Township has received a preliminary plan for Stray Winds Farm. The property is north of Paxton Church Road at its intersection with Crums Mill Road; Crums Mill bisects the western portion of the property north to south, and McIntosh bisects the central portion of the site from east to west. The site encompasses 303.31 acres. Lower Paxton Township contains 243.63 acres of the development and will be served by public sewer and public water. The applicant provides 110.53 acres (45.4%) of open space area within Lower Paxton Township. There are 161 single family detached lots, 192 single family detached condominiums, and 96 single family townhouses proposed.

Ms. Moran noted that a portion of property in Lower Paxton Township was rezoned from R-1 to RC, Residential Cluster, on July 18, 2006 per Township Ordinance 2006-06. She noted that on July 27, 2006 the Zoning Hearing Board granted a variance to allow 449 units in Stray Winds Farm by Docket #1214.

Ms Moran noted that on March 14, 2007 the Planning Commission recommended approval of the plan subject to the following conditions: 1) that the variance appeal be resolved in favor of the number of units shown; 2) recommended approval of the waiver of curb and sidewalk, however, recommend disapproval of curbing at the intersection of Crums Mill and McIntosh Roads, and recommend standard vertical curb at the intersections; 3) recommended approval of waivers 3,4,5,6,7 ,8,9, and 10; and 4) resolution of the comments.

Ms. Moran noted that the applicant has requested the following waivers: 1) Waiver of the requirement to provide sidewalk and curbing and road widening along existing streets; 2) Waiver of the requirement to provide vertical curb as slanted curb is proposed; 3) Waiver of the requirement with regard to the method of calculating stormwater management runoff in watershed analysis; 4) Waiver of the requirement to provide low flow channels and underdrain; 5) Waiver of the requirement to provide a Type C inlet hood of 10" height; 6). Waiver of planting islands within a cul-de-sac turnaround; 7) Waiver of the requirement to provide typical street cross-section design; 8). Waiver of the street grade requirement; 9) Waiver of the minimum distance between street intersections; 10). Waiver of the requirement to provide base flood elevations; and 11) Waiver of the 200' minimum sight distance requirement in sag vertical curves along private access drives (Secretariat Street).

Ms. Moran noted that Tom Skully from R. J. Fisher and Associates, and Mr. Mark DiSanto are present to represent the plan.

Mr. Crissman noted that in the site specific conditions, the HRG, Inc. letter of May 4, 2007 is missing and should be included. Ms. Moran noted that under number seven of the General Conditions, it notes that plan approval shall be subject to addressing all comments of James Snyder. She noted that she did not include a date because there may be additional comments made after this evening's meeting. Mr. Crissman noted that he always has the developer agree to the items listed in James Snyder's memo, and he questioned if an additional letter was submitted for approval, would the plan have to be re-presented for approval. Mr. Snyder suggested that the appropriate response would be to address the comments from the May 4th memo, the 32 points. Mr. Crissman noted that he would include in his recommendation that it would be subject to the 32 comments found in the May 4, 2007 memo, and any additional follow-up items. Mr. Blain noted that this is a preliminary/subdivision plan and there will be additional opportunities to review the final subdivision plan and provide further comments.

Mr. Seeds noted that the comments from the Planning Commission recommend that vertical curbing be required at the intersection of McIntosh and Colonial Roads. He questioned why the Planning Commission recommended this. Ms. Moran noted that the Planning Commission would like to see vertical curbs for all intersections in the Township.

Mr. Hawk noted that the first waiver, the requirement to provide sidewalk and curbing and road widening along existing streets is the only one not supported by staff. Ms. Moran noted that staff deferred this decision to the Board of Supervisors. Mr. Hawk noted that Mr. Snyder suggested that the Township should evaluate the need for road widening in this area. Mr. Snyder explained that he did not provide a recommendation as this is a policy issue that should be resolved by the Board members. He noted that the pros and cons for widening McIntosh Road were discussed during the workshop meeting held May 8th. He noted that the developer is requesting a waiver from this along McIntosh Road due to the many trees and high banks along the road. Mr. Hawk noted that significant upgrades will be made to the intersection of Crums Mill and McIntosh Roads. Mr. Snyder noted that the intersection will be realigned; the vertical geometry is to be improved as well as significant off-site improvements on Colonial and McIntosh Roads. Mr. Hawk noted that this would make sense.

Mr. Hornung questioned what the pros and cons for curbing would be at the Crums Mill and McIntosh Roads intersection. He noted that the Planning Commission voted not to waive the curbing. Mr. Seeds noted that it was explained that that is the Planning Commission's policy. Mr. Blain noted that he sat on the Planning Commission for four years, and there are certain members who prefer curbs at intersections because it gives the intersection a dimension and a better understanding for alignment. He noted that the Planning Commission normally recommended curbing at all intersections.

Mr. Seeds noted that there is a trend that curbing should not be installed at intersections to allow the water to drain naturally into swales.

Mr. Mark DiSanto, Triple Crown Corporation, noted that in response to the Planning Commission's recommendation not to approve waiver of the curbs, he has provided plans to show vertical curbing only at that intersection. He suggested that the plan that was submitted addresses the Planning Commission's recommendation as it provides for easier snow plowing. Mr. Crissman questioned if that was for one or two intersections. Mr. Di Santo noted that it is for the Crums Mill and McIntosh Roads intersection. Mr. Crissman questioned what is to be done for the McIntosh and Colonial Roads intersection. Mr. DiSanto noted that the Highway Occupancy Permit shows curbing on Colonial Road and into the turning radius on McIntosh Road. He explained that this would be determined by PENNDOT, and noted that the Highway Occupancy Permit was submitted to PENNDOT last week. Mr. Blain questioned if slant curb would be used throughout the rest of the development. Mr. DiSanto noted that that was true for new streets, but not existing streets. Mr. Seeds noted that he differs with the Planning Commission on this in that it is natural in the way the water flows from the intersection, and did not think the curbing was necessary.

Mr. Crissman questioned why this waiver was needed in the first place. Mr. DiSanto noted that the vertical curbing is only to be installed in certain areas. Mr. Seeds noted that TCC is asking for a waiver of widening, curb, and sidewalks on all the existing roads. He noted that he would need the waiver for the remaining roadway on McIntosh Road. Mr. DiSanto noted that the waiver is still needed for those areas that do not show curbing on the plan. Mr. Crissman questioned if staff agreed with the assessment. It was noted that staff agreed with the assessment.

Mr. DiSanto suggested that this would clarify the Planning Commission's recommendation, and the plan would be in conformance to the requests. Mr. DiSanto requested the Board members to approve the waivers and the plan as presented; however, he noted that he spoke to Mr. Richard Pleasants, the owner of the former Baltimore Tar property, located across from the mansion house on McIntosh Road, and was told that Mr. Pleasants had some concerns.

He noted that he met with his engineer regarding some storm water run off and additional buffers. He requested the Board to make a recommendation for approval of the plan subject to TCC working out an agreement with Mr. Pleasants prior to the final subdivision approval. He noted that he could not resolve the issue tonight, but it would be completed prior to final subdivision approval. Mr. Seeds noted that Mr. DiSanto would still need a partial waiver for some of the streets for curbing. Mr. Crissman noted that the Township is protected since it is identified on the plan as having curbing at the two intersections in question. Mr. Hawk noted that the plan speaks to the sidewalk issue for the two intersections. Ms. Wissler noted that the Planning Commission recommended approval for the curb and sidewalks, except for the intersections of Crums Mill and McIntosh Roads. She noted that waiver number two covers the Township and TCC. Mr. DiSanto noted that the plan shows the improvements to the intersections, and the curb as agreed to. Mr. Crissman questioned if staff is in total agreement to this. Ms. Moran answered that she is in agreement to this.

Mr. Seeds questioned what would need to be included in the waivers to cover the plan in regards to Mr. Pleasants. Mr. DiSanto suggested that it could be added, that a resolution of Mr. Pleasants' concerns is addressed prior to the final plan. Mr. Seeds suggested that this could be added under the site specific conditions. Mr. Crissman noted that he could add it to the general conditions as number 11, stating that Mr. Pleasants' concerns would be addressed by the developer. Mr. DiSanto noted that all other comments by staff and HRG, Inc. are acceptable.

Mr. Crissman questioned if this would be acceptable to Mr. Pleasants. Mr. Pleasants explained that he owns the former Baltimore Tar property as identified previously by Mr. DiSanto. He noted that as long as the plan is conditioned that the issues would be addressed prior to final approval of the plan, he is fine with that. He noted that he would need some help from staff to clarify some issues as well. Mr. Crissman noted that Mr. Pleasants' needs would be addressed by the developer and staff. Mr. Pleasants noted that that was acceptable to him.

Mr. Crissman questioned Mr. DiSanto if he was in agreement with the 11 waiver requests, including number seven that staff supports addressing the Home owner's Agreement for island maintenance. Mr. DiSanto agreed to this.

Mr. Crissman questioned Mr. DiSanto if he was in agreement to the one site specific condition. Mr. DiSanto agreed to this.

Mr. Crissman noted that there are eleven general conditions, to include condition number seven that addresses comments by HRG, Inc. in their letter dated May 4, 2007 with 32 comments and additional follow up to those comments. Mr. DiSanto noted that he was in agreement to this.

Mr. Crissman noted that he would add comment eleven that states Mr. Richard Pleasants' needs will be addressed by the developer in conjunction with staff. He questioned Mr. DiSanto if he was in agreement to that. Mr. DiSanto answered that he was.

Mr. Crissman noted that there was one staff comment and he questioned Mr. DiSanto if he was in agreement to that. Mr. DiSanto stated that he was.

Mr. Crissman made a motion to approve the preliminary/subdivision plan for Stray Winds Farm with the following waivers and conditions: 1) Waiver of the requirement to provide sidewalk and curbing and road widening along existing streets, to include the discussion for this waiver; 2) Waiver of the requirement to provide vertical curb as slanted curb is proposed; 3) Waiver of the requirement with regard to the method of calculating stormwater management runoff in watershed analysis; 4) Waiver of the requirement to provide low flow channels and underdrain; 5) Waiver of the requirement to provide a Type C inlet hood of 10" height; 6) Waiver of planting islands within a cul-de-sac turnaround; 7) Waiver of the requirement to provide typical street cross-section design; 8) Waiver of the street grade requirement; 9) Waiver of the minimum distance between street intersections; 10) Waiver of the requirement to provide base flood elevations; 11) Waiver of the 200' minimum sight distance requirement in sag vertical curves along private access drives (Secretariat Street); 12) Where the replaced zone was R-1, a

minimum of forty five percent (45%) of the total number of units shall be single family detached. Revise the housing mix under zoning requirements on plan sheet 1 accordingly; 13) Plan approval shall be subject to providing original seals and signatures; 14) Plan approval shall be subject to the payment of engineering review fees; 15) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 16) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion and Sedimentation Control Plan; 17) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 18) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 19) Plan approval shall be subject to addressing all comments of Jim Snyder, HRG, Inc., letter dated May 4, 2007, listing 32 comments, and to address all follow up comments; 20) Fee-in-lieu payment will be required at final plan stage for each phase of development; 21) Plan approval shall be subject to the resolution of an appeal of Triple Crown regarding a decision by Lower Paxton Township Zoning Hearing Board through Settlement Agreement and Release; 22) Plan approval shall be subject to the execution of a Roadway Improvement Agreement between Triple Crown and Lower Paxton Township; 23); Mr. Richard Pleasants' needs will be addressed by the developer in conjunction with staff; and 24) When submitting revised plans respond in writing to all comments of staff, Dauphin County, and township engineer.

Mr. Hornung questioned if the motion included the curbing at the intersection of Crums Mill and McIntosh Road. Mr. Crissman answered that it did, but he stated that he did not think that he had to specify the two intersections of Crums Mill and McIntosh Roads and McIntosh and Colonial Road since the developer and staff indicated that it was on the plan. Ms. Wissler noted that part of his motion was that it was based on discussion regrading waiver number one.

Mr. Hornung seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Final subdivision plan for Four Seasons Homeowners Association
and Lower Paxton Township

Ms. Wissler noted that the purpose of the plan is to subdivide the existing Newside Cemetery, which is currently part of the Four Season Condominium development. Once the subdivision is complete, the new lot will be conveyed to Lower Paxton Township per the agreement with Four Seasons. The tract is located north of Newside Road. The overall tract consists of 4.0075 acres and is zoned R-3, High Density Residential District.

Ms. Wissler explained that on April 11, 2007, the Planning Commission recommended approval of the plan noting two general conditions: 1) Plan approval shall be subject to providing original seals and signatures on the plan; and 2) The Dauphin County Planning Commission review block needs to contain a line for the Chairman.

Mr. Crissman made a motion to approve the Final Subdivision Plan 2007-07 for Fours Seasons Homeowners Association and Lower Paxton Township with the two general conditions. Mr. Hawk seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final subdivision and land development plan for
Crosspoint United Methodist Church

Ms. Wissler noted that Crosspoint United Methodist Church (formerly known as Colonial Park United Methodist Church) proposes to construct the Phase 1 portion of a three phase project, which will consist of the construction of 182 additional parking spaces located along Valley and Colonial Roads and other on-site improvements. The property consists of 10.54 acres, is located at the corner of Crums Mill Road, Valley Road, and Colonial Road, and will be served by public water and public sewer. This property is zoned R-3, Medium High Density Residential District, which permits churches as a Special Exception. The Special Exception was granted by the Zoning Hearing Board on December 7, 2006, and allows an addition to the existing church

structure on the condition that the applicant, upon request of the Township, dedicate sufficient land to realign the Valley Road/Winfield Street intersection, on the condition that the dedicated area not exceed that set forth on the plan submitted by the applicant to the Zoning Hearing Board.

Ms. Wissler noted that on April 11, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments. The Commission also recommended approval of the requested waivers.

Ms. Wissler explained that the plan shows a narrow strip of land marked as the proposed right-of-way along Colonial Road. The offer of right-of-way is required by Ordinance; however, PENNDOT does not want additional right-of-way unless there is a project that proposes improvements to a roadway. The Planning Commission felt the Supervisors should at least be aware that there is a possibility of getting a right-of-way at that location.

Ms. Wissler noted that Mr. Snyder suggested the need for a right turn lane, if it is warranted, south bound on Colonial Road on to Valley Road. In addition, the traffic study indicates that a right turn lane is warranted and has been shown on the plan. Ms. Wissler noted that there are three requested waivers, and staff supports all three waivers.

Ms. Wissler noted that Aaron Navarro is present on behalf of the plan.

Mr. Seeds noted that Mr. Snyder recommended against waiver three, noting that he listed comments for that waiver. Mr. Snyder noted that this was an error, and a carry-over from the Planning Commission comments. He explained that he supports it based on the information provided by the applicant.

Mr. Seeds questioned if the sidewalk area that will be given to the Township to realign a portion of Valley Road with Winfield Street would be completed by the Church or the Township. He noted that it was mentioned in a letter from J. Michael Brill. Mr. Navarro noted that the Planning Commission questioned, if the waiver was not granted, would the Church consider

contributing money towards that. Mr. Seeds noted that the sidewalk should be completed by someone to join the existing sidewalk on Colonial and Valley Roads. Mr. Navarro noted that when the Township constructs the road, the sidewalk could be installed at the same time. Mr. Seeds noted that the Church is not offering to do this work.

Mr. Seeds noted that even though PENNDOT does not want the right-of-way, it would be granted and shown on the plan. Mr. Navarro noted that this needs to be figured out. Mr. Seeds questioned if the Township could accept the right-of-way. Mr. Navarro answered that it could be dedicated to the Township, but he questioned if it should be dedicated now or later. Mr. Wolfe noted that the land could be dedicated to the Township, and the Township should accept it, and at any time there is a need for widening, then PENNDOT would deal with the Township.

Mr. Crissman questioned Mr. Navarro if he was in agreement to the three requested waivers. Mr. Navarro answered that he was. Mr. Crissman questioned if he was in agreement to the three site specific conditions that include the 12 comments from HRG, Inc. letter dated May 4, 2007. Mr. Navarro noted that number seven was resolved by the Church dedicating the right-of-way to the Township, but he questioned item 11, and if the Board of Supervisors would require fencing around the detention facility in accordance with Section 1116.08. He noted that the grading for the pond is a four-to-one slope. He noted that it would be very manageable if someone was to fall into the pond. He noted that pond number one is four and one half to five feet deep with a four-to-one slope. He noted that pond number two is three feet deep and has the same type of slope. He noted that he would include the storm water management landscaping that would hide the pond.

Mr. Crissman questioned what staff's recommendation would be. Mr. Snyder explained that this is a discretionary provision of the ordinance, that the Board may or may not require fencing. He noted that the Church's inclination is not to install fencing, and staff would support this. He noted that the ponds are relatively shallow and the sides are very flat. Mr. Seeds noted

that, historically, the Board would not require fencing for a pond that did not have steep slopes. Mr. Crissman questioned Mr. Snyder if it was included as a comment since it appears as part of the ordinance, or should it be there. Mr. Snyder noted that it was included to draw the Board members attention to it, since it is a decision that needs to be made related to this plan. Mr. Crissman questioned what Mr. Snyder's recommendation was. Mr. Snyder answered that he would support the applicant's position that it not be required. Mr. Crissman noted that it has been agreed that the fence would not be needed.

Mr. Seeds noted that Mr. Snyder had some comments relative to the Traffic Impact Study. Mr. Snyder noted that the comments were more technical in nature.

Mr. Crissman questioned Mr. Navarro if there was agreement to the three site specific conditions, to include HRG, Inc. letters dated May 4, 2007, and May 9, 2007, which included the 12 comments, noting that item eleven on the May 9th letter is resolved. Mr. Navarro agreed to this.

Mr. Crissman questioned if Mr. Navarro was in agreement to the five general conditions and two staff comments. Mr. Navarro agreed to all.

Mr. Crissman made a motion to approve the preliminary/final land development plan 2007-06, for Crosspoint United Methodist Church, with the following waivers, and conditions:

- 1) Waiver of the preliminary plan requirement; 2) Waiver of the requirement to provide sidewalk along Valley Road. This request is only along the portion of Valley Road that is going to be realigned with Winfield Street; 3) Waiver of the requirement that existing pervious conditions be modeled as meadow or woods in stormwater management calculations; 4) Provide a north arrow on Sheet 10 of 15; 5) Planting screens shall meet the requirements of Article 803.D.6; 6) Plan approval shall be subject to addressing HRG's comments dated May 11, 2007, and May 4, 2007 having resolved the 11th comment issue in that no fencing is needed; 7) Plan approval shall be subject to providing original seals and signatures on the plan; 8) Plan approval shall be subject to

Dauphin County Conservation District's review and approval of an Erosion & Sedimentation Control Plan; 9) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 10) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 11) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 12) A street/storm sewer construction permit is required for construction of storm sewer facilities; and 13) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance.

Mr. Blain seconded the motion, and Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-24; Planning Module for Stray Winds Farm

Mr. Blain made a motion to approve Resolution 2007- 24; the Planning Module for Stray Winds Farm. Mr. Crissman seconded the motion, and Mr. Hawk called for a voice vote. A unanimous vote followed.

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were five improvement guarantees for consideration.

Dauphin County Library System

An extension and increase in a pledge of Tax Revenue in the amount of \$36,302.35 with an expiration date of June 7, 2008.

Amber Fields, Phase IV

An extension and increase in a letter of credit with Sovereign Bank in the amount of \$140,904.50 with an expiration date of June 23, 2008.

Estates of Forest Hills, Phase VII

An extension and increase in a letter of credit with Community Banks in the amount of \$189,354.00 with an expiration date of June 7, 2008.

Kendale Oaks, Phase I

An extension and increase in a bond with Hartford Fire Insurance Company in the amount of \$141,267.34 with an expiration date of June 25, 2008.

Keystone Center

A new letter of credit with Members 1st Federal Credit Union in the amount of \$17,000.00 with an expiration date of May 10, 2008.

Mr. Seeds questioned if Ms. Wissler had the documentation on the amount of funds for the Keystone Center. Ms. Wissler answered that she had a letter from HRG, Inc. approving the amount of \$17,000.

Mr. Crissman made a motion to approve the five listed Improvement Guarantees. Mr. Hawk seconded the motion, and a unanimous vote followed.

OLD BUSINESS

Roadway Improvement Agreement between the Township and Triple Crown Corporation for certain improvements associated with the Stray Winds Farm Subdivision plan

Mr. Hawk explained that a traffic study was completed for the improvements at Colonial and McIntosh Roads, as well as other areas related to the plan. Mr. Hawk noted that normally, Mr. Stine would conduct a public hearing, and he requested Mr. Wolfe to highlight the agreement.

Mr. Wolfe explained that a public hearing is not necessary to adopt the agreement. He explained that the Roadway Improvement Agreement would be between the Township and Triple Crown Corporation. He noted that the initial recitals describe the development including the preliminary subdivision plan for Stray Winds Farm that the Board acted upon earlier in this meeting. He noted that it provides for the location of the property, and identified that certain

roadway improvements have been determined to be necessary in accordance with a Traffic Study prepared by Herbert, Rowland and Grubic, Incorporated. He noted that Lower Paxton Township and Susquehanna Township jointly utilized HRG, Inc. to prepare a comprehensive traffic study for the Stray Winds Farm development. He noted that the developer acknowledges that the Stray Winds Farm development will provide for increased traffic and it notes that the developer has offered, at its sole expense, to design and construct all roadway improvements recommended by the Traffic Study for the intersections of Crums Mill and McIntosh Roads, Colonial and McIntosh Roads, Crums Mill Road and Seabiscuit Way, and Crums Mill Road and Citation Drive. He noted that the developer has offered, at its sole expense, as per Township Resolution 2007-03, to obtain a Highway Occupancy Permit for the intersection of Colonial and McIntosh Roads. He noted that the agreement states specific provisions that are the intersection improvements, listed in paragraph 2, sections A & B. He noted that the improvements will be guaranteed by an Improvement Guarantee agreement between the Township and the developer, and it could include PENNDOT for any improvements conducted in the State right-of-way.

Mr. Wolfe noted that there is an indemnification where the developer holds the Township harmless, and the standard ending paragraph for successors and assigns, in Pennsylvania Law.

Mr. Wolfe noted that this was discussed in an Executive Session, and it is complete for action this evening. Mr. Wolfe explained that Mr. Stine is aware that this is the final document, and would recommend the Board to act upon it this evening.

Mr. Crissman made a motion to approve the Roadway Improvement Agreement between the Township and TCC for certain improvements associated with the Stray Winds Farm subdivision plan as identified by Mr. Wolfe and Mr. Stine. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Settlement Agreement between the Township and Triple Crown Corporation regarding a decision of the Zoning Hearing Board dated May 27, 2006.

Mr. Wolfe explained that this is a tri-party agreement between the Board of Supervisors, Zoning Hearing Board, and Triple Crown Corporation. Mr. Wolfe explained that Mr. DiSanto has signed the agreement on behalf of the Triple Crown Corporation, and if the Board approves the agreement, it will then be transmitted to the Zoning Hearing Board for their action.

Mr. Wolfe explained that the Settlement Agreement is in regard to a variance granted by the Zoning Hearing Board on May 27, 2006. He noted that TCC claims that the variance was not sent to them in the required time frame. He noted that to settle the issues in regard to the variance, the parties have agreed to 12 provisions indicated within the Settlement Agreement, and those agreements have been reviewed by the Township Solicitor prior to being put in final form, and also discussed with the Board members in Executive Session. Mr. Wolfe noted that the Settlement Agreement is complete for action this evening, and Mr. Stine has reviewed the copy signed by Mr. DiSanto.

Mr. Crissman questioned if the Zoning Hearing Board needed to take action prior to the Board of Supervisors' taking action. Mr. Wolfe noted that the Board does not have to wait since they are their own body.

Mr. Crissman made a motion to approve the Settlement Agreement between the Township, Triple Crown Corporation, and the Zoning Hearing Board regarding a decision of the Zoning Hearing Board dated May 27, 2006 as presented by Mr. Wolfe and endorsed by Mr. Stine. Mr. Hornung seconded the motion, Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcements

Mr. Hawk urged the public to vote as there is a referendum on the ballot that will need the voters input.

Mr. Hawk noted that the next public meeting would not be held on June 2nd, but is rescheduled to May 29, 2007.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:59 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary